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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2013-7

**KERRY M. RIORDAN, AKA
KERRY LYNN MOLAISSON, AKA
KERRY MOLAISSON SPEAR
2204 Pelican Street
Slidell, LA 70460**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Registered Nurse License No. 666261

Respondent.

FINDINGS OF FACT

1. On or about July 2, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-7 against Kerry M. Riordan, also known as Kerry Lynn Molaison and Kerry Molaison Spear (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about September 22, 2005, the Board of Registered Nursing (Board) issued Registered Nurse License No. 666261 to Respondent. The Registered Nurse License expired on August 31, 2011, and has not been renewed.

3. On or about July 2, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-7, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
2 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
3 of record was and is: 2204 Pelican Street, Slidell, LA, 70460.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
6 124.

7 5. On or about July 31, 2012, the aforementioned documents were returned by the U.S.
8 Postal Service marked "Unclaimed."

9 6. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts
12 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

13 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
14 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No.
15 2013-7.

16 8. California Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the
18 hearing, the agency may take action based upon the respondent's express admissions
19 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

20 9. Pursuant to its authority under Government Code section 11520, the Board finds
21 Respondent is in default. The Board will take action without further hearing and, based on the
22 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
23 taking official notice of all the investigatory reports, exhibits and statements contained therein on
24 file at the Board's offices regarding the allegations contained in Accusation No. 2013-7, finds that
25 the charges and allegations in Accusation No. 2013-7, are separately and severally, found to be
26 true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$845.00 as of September 6, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kerry M. Riordan, also known as Kerry Lynn Molaison and Kerry Molaison Spear, has subjected her Registered Nurse License No. 666261 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Business and Professions Code section 2764(a)(4) – Out of State Discipline

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1 ORDER

2 IT IS SO ORDERED that Registered Nurse License No. 666261, heretofore issued to
3 Respondent Kerry M. Riordan, also known as Kerry Lynn Molaison and Kerry Molaison Spear, is
4 revoked.

5 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
6 written motion requesting that the Decision be vacated and stating the grounds relied on within
7 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
8 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

9 This Decision shall become effective on MARCH 29, 2013.

10 It is so ORDERED FEBRUARY 28, 2013.

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13 FOR THE BOARD OF REGISTERED NURSING
14 DEPARTMENT OF CONSUMER AFFAIRS

15 default decision_LIC.rtf
16 DOJ Matter ID:SA2011304001

17 Attachment:
18 Exhibit A: Accusation
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Exhibit A

Accusation

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Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
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Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2013-7

12 **KERRY M. RIORDAN, AKA**
13 **KERRY LYNN MOLAISSON, AKA**
14 **KERRY MOLAISSON SPEAR**
2204 Pelican Street
Slidell, LA 70460

A C C U S A T I O N

15 **Registered Nurse License No. 666261**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about September 22, 2005, the Board issued Registered Nurse License Number
25 666261 to Kerry M. Riordan ("Respondent"), also known as Kerry Lynn Molaison and Kerry
26 Molaison Spear. The registered nurse license expired on August 31, 2011.

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1 a. On or about August 24, 2011, the Louisiana State Board of Nursing suspended
2 Respondent's Louisiana nursing license for demonstrating chronic use of prescribed controlled
3 substances including Stadol, Demerol, Dilaudid, Butalbital and Benzodiazepines. Respondent
4 was cited for demonstrating bizarre behavior and signs of impairment while on duty,
5 unprofessional conduct, and failure to demonstrate technician competence when carrying out
6 nursing care.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 666261, issued to Kerry
11 M. Riordan, also known as Kerry Lynn Molaison, and Kerry Molaison Spear;
12 2. Ordering Kerry M. Riordan, also known as Kerry Lynn Molaison, and Kerry
13 Molaison Spear to pay the Board of Registered Nursing the reasonable costs of the investigation
14 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
15 3. Taking such other and further action as deemed necessary and proper.

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17
18 DATED: July 2, 2012


19 LOUISE R. BAILEY, M.ED., RN
20 Interim Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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